REMARKS

Claims 38, 41-45, 47-57, 59-61, 63-71 and 73-76 are pending in the application. Claims 39 and 58 are cancelled. Claims 1-37, 40, 46, 62 and 72 were previously cancelled.

Applicant acknowledges with appreciation the Examiner's finding that claims 53-56 and 66-69 would be allowable if rewritten in independent form so that they are no longer dependent on a rejected base claim.

Claims 38, 41-44, 47, 50, 52, 70 and 76 are rejected under 35 U.S.C. § 103(a) as unpatentable over US patent No. 4,095,277 to Bluethman et al., hereinafter " Bluethman", in view of US patent no. 5,659,801 to Kopsaftis, hereinafter "Kopsaftis", and further in view of "QMS 2060 EX, 2425 Turbo EX" by Tom, hereinafter "Tom". Claims 38 and 70 are independent. Claims 41-44, 47, 50, 52 and 76 depend from claim 38. Applicant respectfully traverses the rejection.

Claims 38 and 70 are amended to clarify a feature that is neither disclosed nor suggested by Bluethman, Kopsaftis and Tom. Thus, Bluethman, Kopsaftis and Tom fail to disclose or suggest the elements of claims 38 and 70. Therefore, claims 38 and 70 are patentable over the cited combination of Bluethman, Kopsaftis and Tom.

Claims 41-44, 47, 50, 52 and 76 depend from claim 38. For at least reasoning similar to that provided in support of the patentability of claim 38, claims 41-44, 47, 50, 52 and 76 are patentable over the cited combination of Bluethman, Kopsaftis and Tom.

For the reasons set forth above, it is submitted that the rejection of claims 38, 41-44, 47, 50, 52, 70 and 76 under 35 U.S.C. § 103(a) as unpatentable over Bluethman in view of Kopsaftis and Tom is overcome. Applicant respectfully requests that the rejection of claims 38, 41-44, 47, 50, 52, 70 and 76 be reconsidered and withdrawn.

Claim 39 is rejected under 35 U.S.C. § 103(a) as unpatentable over Bluethman, Kopsaftis, and Tom, in view of "Linkers and Loaders" by Levine, hereinafter "Levine". Claim 39 is cancelled. Subject matter previously recited in claim 39 is incorporated into currently amended claim 38. Therefore, this rejection is being addressed in the context of claim 38. Applicant respectfully traverses the rejection.

Claim 38 provides a method for a printer linked to a computing device to update microcode of the printer. The method includes receiving from the computing device one or more files across an interface suitable for conveying information to be printed by the printer. At least one of the files is a print job file including an embedded microcode module that is one of a plurality of modules in the print job file. The method further includes recognizing if a received file is a print job file and if a received print job file includes an embedded microcode module. If a received print-job file does not include a microcode module, then the method includes normally processing the print-job file. The method also includes writing at least one microcode module received in a print job file to a memory area in the printer indicated in the print job file. The print job file further includes a file header portion and a separate file data portion. The presence of a microcode module in the print job file is indicated by a bit pattern in the file header portion of the print job file.

The Office Action states that Bluethman discloses module headers, but does not disclose the use of a separate header and data portion. The Office Action further states that Levine teaches the use of headers as a way to delimit a file according to the contents that follow. Applicant respectfully disagrees.

Levine discloses Executable and Linking Format (ELF) files (page 62). ELF files have a section header table that describe a set of logical sections used by compilers, assemblers and linkers, and a program header table that describe a set of segments used by a system loader (page 62).

Levine discloses program headers and section headers that are specifically used for linking and loading. Furthermore, the program and section headers do not encompass a single header for the ELF file, but rather relate to specific modules within the ELF file. In contrast, the file header portion of the print job file is a header affecting the entire print job file. Therefore, because the program headers and section headers of Levine do not disclose a single header for a single file, but rather different headers for different portions of the file, Levine does not disclose a method "wherein said print job file further comprises a file header portion and a separate file data portion, and wherein presence of a microcode module in said print job file is indicated by a bit pattern in said file header portion of said print job file," as recited in claim 38.

Furthermore, there is no motivation to combine the teachings of Bluethman and Tom with the teachings of Levine. Bluethman and Tom disclose print jobs, whereas Levine teaches ELF files which are specific object code. The ELF files disclosed in Levine are very different from print jobs disclosed in Bluethman and Tom. Therefore, one skilled in the art would not look to headers disclosed in Levine to modify the teachings of Bluethman and Tom.

Thus, there is no suggestion or motivation to combine Bluethman, Tom and Levine. Therefore, because Bluethman, Tom and Levine do not disclose or suggest the elements of claim 38, and because there is no motivation to combine the teachings of Bluethman, Tom and Levine, claim 38 is patentable over the cited combination of Bluethman, Tom and Levine.

Claim 45 is rejected under 35 U.S.C. § 103(a) as unpatentable over Bluethman, Kopsaftis and Tom, and further in view of U.S. Patent No. 5,206,735 to Gauronski et al., hereinafter Gauranski. Claim 45 depends from claim 38. Applicant respectfully traverses the rejection.

As discussed above, claim 38 is patentable over the cited combination of Bluethman, Kopsaftis and Tom. Applicant does not believe that Gauronski makes up

for the deficiencies of Bluethman, Kopsaftis and Tom, as they apply to claim 38.
Accordingly, Applicant submits that claim 38 is patentable over the cited combination of
Bluethman, Kopsaftis, Tom and Gauronski.

Claim 45 depends from claim 38. For at least reasoning similar to that provided
in support of the patentability of claim 38, claim 45 is patentable over the cited
combination of Bluethman, Kopsaftis, Tom and Gauronski. Therefore, it is submitted
that the rejection of claim 45 as unpatentable over Bluethman, Kopsaftis and Tom in
view of Gauronski is overcome. Applicant respectfully requests that the rejection of
claim 45 be reconsidered and withdrawn.

Claims 48, 49, 71, 73 and 74 are rejected under 35 U.S.C. § 103(a) as
unpatentable over Bluethman, Kopsaftis and Tom, and further in view of U.S. Patent
No. 5,649,112 to Yeager et al., hereinafter "Yeager". Claims 48 and 49 depend from
claim 38, and claims 71, 73 and 74 depend from claim 70. Applicant respectfully
traverses the rejection.

As discussed above, claims 38 and 70 are patentable over the cited combination
of Bluethman, Kopsaftis and Tom. Applicant does not believe that Yeager makes up for
the deficiencies of Bluethman, Kopsaftis and Tom, as they apply to claims 38 and 70.
Accordingly, Applicant submits that claims 39 and 70 are patentable over the cited
combination of Bluethman, Kopsaftis, Tom and Yeager.

Claims 48 and 49 depend from claim 38, and claims 71, 73 and 74 depend from
claim 70. For at least reasoning similar to that provided in support of the patentability of
claims 38 and 70, claims 48, 49, 71, 73 and 74 are patentable over the cited
combination of Bluethman, Kopsaftis, Tom and Yeager. Therefore, it is submitted that
the rejection of claims 48, 49, 71, 73 and 74 as unpatentable over Bluethman, Kopsaftis
and Tom in view of Yeager is overcome. Applicant respectfully requests that the
rejection of claims 48, 49, 71, 73 and 74 be reconsidered and withdrawn.

Claims 51 and 75 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bluethman, Kopsaftis and Tom, and further in view of U.S. Patent No. 4,868,866 to Williams, Jr., hereinafter "Williams". Claims 51 and 75 depend from claim 38. Applicant respectfully traverses the rejection.

As discussed above, claim 38 is patentable over the cited combination of Bluethman, Kopsaftis and Tom. Applicant does not believe that Williams makes up for the deficiencies of Bluethman, Kopsaftis and Tom, as they apply to claim 38. Accordingly, Applicant submits that claim 38 is patentable over the cited combination of Bluethman, Kopsaftis, Tom and Williams.

Claims 51 and 75 depend from claim 38. For at least reasoning similar to that provided in support of the patentability of claim 38, claims 51 and 75 are patentable over the cited combination of Bluethman, Kopsaftis, Tom and Williams. Therefore, it is submitted that the rejection of claims 51 and 75 as unpatentable over Bluethman, Kopsaftis and Tom in view of Williams is overcome. Applicant respectfully requests that the rejection of claims 51 and 75 be reconsidered and withdrawn.

Claims 57-60, 64 and 65 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bluethman, Kopsaftis and Tom, and further in view of the Background section of the specification, hereinafter "BOTI". Claim 57 is independent. Claims 58-60, 64 and 65 depend from claim 57. Applicant respectfully traverses the rejection.

As discussed above, claim 38 is patentable over the cited combination of Bluethman, Kopsaftis and Tom. Applicant does not believe that BOTI makes up for the deficiencies of Bluethman, Kopsaftis and Tom, as they apply to claim 38. Accordingly, Applicant submits that claim 38 is patentable over the cited combination of Bluethman, Kopsaftis, Tom and BOTI.

Claim 58 is cancelled, and subject matter previously cited in claim 58 is incorporated into claim 57. Claim 57 includes recitals similar to those of claim 38. For

at least reasoning similar to that provided in support of the patentability of claim 38, claim 57 is patentable over the cited combination of Bluethman, Kopsaftis, Tom and BOTI.

Claims 59, 60, 64 and 65 depend from claim 58. For at least reasoning similar to that provided in support of the patentability of claim 38, claims 59, 60, 64 and 65 are patentable over the cited combination of Bluethman, Kopsaftis, Tom and BOTI. Therefore, it is submitted that the rejection of claims 57-60, 64 and 65 as unpatentable over Bluethman, Kopsaftis and Tom in view of BOTI is overcome. Applicant respectfully requests that the rejection of claims 57-60, 64 and 65 be reconsidered and withdrawn.

Claims 61 and 63 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bluethman, Kopsaftis, Tom, BOTI, and further in view of Yeager. Claims 61 and 63 depend from claim 57. Applicant respectfully traverses the rejection.
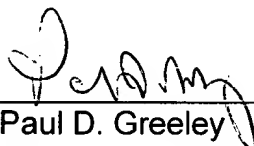
As discussed above, claim 57 is patentable over the cited combination of Bluethman, Kopsaftis, Tom, and BOTI. Applicant does not believe that Yeager makes up for the deficiencies of Bluethman, Kopsaftis, Tom, and BOTI, as they apply to claim 57. Accordingly, Applicant submits that claim 57 is patentable over the cited combination of Bluethman, Kopsaftis, Tom, BOTI, and Yeager.

Claims 61 and 63 depend from claim 57. For at least reasoning similar to that provided in support of the patentability of claim 57, claims 61 and 63 are patentable over the cited combination of Bluethman, Kopsaftis, Tom, BOTI, and Yeager. Therefore, it is submitted that the rejection of claims 61 and 63 as unpatentable over Bluethman, Kopsaftis, Tom and Yeager in view of BOTI is overcome. Applicant respectfully requests that the rejection of claims 61 and 63 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

Date: __11 7 0 5__

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